

House Study Bill 768

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON SWAIM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to issuance of a treasurer's deed after
2 expiration of the period of redemption and providing an
3 effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6570HC 82
6 sc/nh/5

PAG LIN

1 1 Section 1. Section 448.3, Code 2007, is amended by adding
1 2 the following new unnumbered paragraph:
1 3 NEW UNNUMBERED PARAGRAPH. In the event that an owner of
1 4 record or a person in whose name the parcel is taxed
1 5 establishes that such person was not served with notice of
1 6 expiration of right of redemption in accordance with section
1 7 447.9, then the county treasurer's deed is void, subject to
1 8 the provisions of sections 448.15 and 448.16. If a person
1 9 entitled to service of notice under section 447.9; other than
1 10 an owner of record or a person in whose name the parcel is
1 11 taxed, establishes that such person was not served with notice
1 12 in accordance with section 447.9, the deed is not thereby
1 13 rendered invalid. However, the deed is subject to all of the
1 14 right and interest of such person not served with notice, as
1 15 provided in sections 448.15 and 448.16.
1 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
1 17 immediate importance, takes effect upon enactment and applies
1 18 to treasurer's deeds issued on or after that date.

EXPLANATION

1 19
1 20 This bill provides that a treasurer's deed issued after
1 21 expiration of the period of redemption is void if it is
1 22 established that notice of expiration of right of redemption
1 23 was not served on the owner of record or the person in whose
1 24 name the parcel is taxed if other than the owner of record.
1 25 The bill further provides that the deed is not invalid solely
1 26 because notice was not provided to a person with an interest
1 27 in the parcel conveyed by tax deed or a person who is in
1 28 possession of the parcel and such persons were entitled to
1 29 notice of expiration of right of redemption. However, the
1 30 deed remains subject to challenge under other statutory
1 31 provisions.
1 32 LSB 6570HC 82
1 33 sc/nh/5